

CLOSED

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ARTHUR MCCALLUM,

Plaintiff,

v.

PROACTIVE LIGHTING SOLUTIONS
LLC, CHRISTOPHER MYERS, ALFRED
HEYER, JR, GREEN RG
MANAGEMENT, JOHN DOES 1-10, and
XYZ CORP. 1-10,

Defendants.

Civil Action No. 19-20932 (SRC)

ORDER

CHESLER, District Judge

This matter comes before the Court upon a motion for remand filed by Plaintiff, Arthur McCallum, against Defendants, Proactive Lighting Solutions LLC, Alfred Heyer, Jr., Green RG Management, John Does 1-10, and XYZ Corp. 1-10 (“Defendants”).¹ On January 21, 2020, this Court ordered both parties to submit briefs compliant with Local Civil Rule 7.2 [ECF 11]. It was further ordered that if either party failed to submit a proper, timely brief, the motion would be withdrawn or deemed unopposed, as appropriate.

On January 24, 2020, Plaintiff submitted a brief compliant with Local Civil Rule 7.2 in support of its motion to remand the action to the Superior Court of New Jersey, Bergen County, Law Division. Defendants were thereby given ten (10) days to respond to the motion. Defendants have yet to submit any response. In light of this, the Court deems the motion unopposed and

¹ On January 30, 2020, this Court entered an Order of dismissal without prejudice as to Defendant Christopher Myers, at the request of Plaintiff’s counsel.

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construes Defendants' failure to respond as a concession that removal to this Court was improper.

On a motion for remand, the District Court has discretion to award attorney fees and costs. 28 U.S.C. § 1447(c). In Plaintiff's supplemental brief, Plaintiff requested that this Court award both fees and costs as well as impose sanctions against Defendants. The Court denies the application. The original submissions filed by both parties were woefully deficient in their attempt to inform the Court of the legal and factual issues that the motion for remand presented. While Defendant has completely failed to respond to this Court's Order requiring further explication of its position, Plaintiff's supplemental response was only marginally superior to its original brief. In light of this, the Court is not satisfied that fees or costs should be awarded. Plaintiff further makes the request for unspecified sanctions but has failed to identify under what rule or statute any such sanctions are warranted. Therefore, the Court denies the request.

Based on the foregoing,

IT IS on this 27th day of February, 2020, hereby

ORDERED that Plaintiff's motion to remand [ECF 2] be and hereby is **GRANTED**; and it is further

ORDERED that this action be and hereby is **REMANDED** to the Superior Court of New Jersey, Bergen County, Law Division; and it is further

ORDERED that Plaintiff's request for attorney fees, costs, and sanctions be and hereby is **DENIED**.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge